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ELECTRONICALLY FILED
August 18, 2014

6 Attorney for Debtors/Defendants
7 ANTHONY THOMAS and WENDI
THOMAS
8

9 UNITED STATES BANKRUPTCY COURT
10 DISTRICT OF NEVADA

11 —ooOoo—

12 In Re:

Case No. BK-N-14-50333-BTB
Case No. BK-N-14-50331-BTB

13 ANTHONY THOMAS and
14 WENDI THOMAS,

Chapter 11 Cases

[Jointly Administered]

15 AT EMERALD, LLC,

16
17 Debtors,
18 _____/

Adv. Pro. No. 14-05022

19 KENMARK VENTURES, LLC,

20 Plaintiff,

**EX PARTE MOTION FOR ORDER
SHORTENING TIME FOR NOTICE
AND HEARING ON MOTION TO
WITHDRAW AS ATTORNEY OF
RECORD**

21 vs.

22 ANTHONY THOMAS and WENDI
23 THOMAS,

24 Defendants.
_____/

Hearing Date: OST Pending
Hearing Time: OST Pending

25 Movant, Alan R. Smith, Esq., of the Law Offices of Alan R. Smith, hereby moves this
26 Court for an order shortening time for notice and hearing on his Motion To Withdraw As
27 Attorney Of Record (the "Motion") filed on August 18, 2014, a copy of which is attached
28 hereto as **Exhibit "A."**

Pursuant to the Motion, the Movant seeks an order authorizing immediate withdrawal as attorney of record for the Debtors ANTHONY THOMAS, WENDI THOMAS and AT EMERALD, LLC. In the case, Debtors have failed substantially to fulfill various obligations to the Law Offices of Alan R. Smith as specified in the agreement between those parties. Specifically, Debtors have refused to communicate timely and effectively with the Law Offices of Alan R. Smith. Further, the Law Offices of Alan R. Smith and the Debtors have come to an impasse regarding certain aspects of law office's representation that law office believes cannot be overcome. Alan Smith believes that because of the difference of opinion as how best to proceed in this case, he can no longer effectively represent the Debtors. As a result an adversarial relationship has developed, and Alan Smith has sought immediate withdrawal. Alan Smith requests that the Motion to Withdrawal be heard on the same date and time as the currently scheduled hearing on the motion to appoint the chapter 11 trustee - August 22, 2014 at 2 p.m. Ordinary notice requirements cannot be met without an order shortening time for a hearing to approve Movant's Motion.

Local Rule 9006 provides that the Court may shorten time in appropriate circumstances for good cause. Based upon the foregoing, Movant believes that good cause exists for shortening time for notice and hearing of the Motion. The Movant (or his designated employee) has contacted the principal parties affected by the subject Motion and their agreement and comments are in the ATTORNEY INFORMATION SHEET filed separately.

WHEREFORE, Movant respectfully requests that the Court shorten the time for notice of hearing on the Motion, and that the hearing on said Motion be set on August 22, 2014, at 2 p.m., or as soon as possible and as is convenient to the Court's calendar.

Dated this 18th day of August, 2014.

LAW OFFICES OF ALAN R. SMITH

By: /s/ Alan R. Smith
ALAN R. SMITH, ESQ.
Attorney for Debtors

CERTIFICATE OF MAILING

Pursuant to FRCP 5(b), I hereby certify that I am an employee of the Law Offices of Alan R. Smith, and that on this day I deposited for mailing at Reno, Nevada, and sent via email, a true and correct copy of the attached document addressed as follows:

AT Emerald, LLC
c/o Anthony & Wendi Thomas
7725 Peavine Peak Court
Reno, NV 89523
atemerald2@gmail.com
wendithomas6@gmail.com

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Dated: August 18, 2014

/s/ Debra L. Goss

By: _____

Debra L. Goss, Employee

Exhibit “A”

1 ALAN R. SMITH, ESQ.
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2 HOLLY E. ESTES, ESQ.
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August 18, 2014

6 Attorney for Debtors/Defendants
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9 UNITED STATES BANKRUPTCY COURT
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12 In Re:

Case No. BK-N-14-50333-BTB
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13 ANTHONY THOMAS and
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15 AT EMERALD, LLC,

16
17 Debtors,
18 _____/

Adv. Pro. No. 14-05022

19 KENMARK VENTURES, LLC,

20 Plaintiff,

MOTION TO WITHDRAW AS
ATTORNEY OF RECORD

21 vs.

22 ANTHONY THOMAS and WENDI
23 THOMAS,

Hearing Date: OST Pending
Hearing Time: OST Pending

24 Defendants.
_____ /

25 ALAN R. SMITH, ESQ., of the Law Offices of Alan R Smith (hereinafter "Movant"),
26 moves this Court to allow him to withdraw as attorney of record for Debtors ANTHONY
27 THOMAS and WENDI THOMAS and Debtor AT EMERALD, LLC, (hereinafter "Debtors"),
28 in the above-entitled matter pursuant to Rule 166 of the Supreme Court Rules of the State of Nevada

1 and Nevada Rules of Professional Conduct 1.16. This Motion is made and based upon the following
2 Points and Authorities, and the pleadings and papers on file in this case.

3 **POINTS AND AUTHORITIES**

4 Supreme Court Rule of Professional Conduct 1.16, made applicable by Local Rule IA 10-
5 6(b) and (e), provides that:

6 No attorney may withdraw after appearing in a case except by
7 leave of Court after notice has been served on the affected client and
8 opposing counsel.

8 Movant has appeared on behalf of the Debtors in the above captioned matter and therefore
9 brings this Motion for leave to withdraw as their counsel of record. Movant's withdrawal is not
10 expected to cause any delay in these proceedings.

11 Nevada Supreme Court Rule 1.16, made applicable by Local Rule 1A 10-6, provides as
12 follows:

13 (b) Except as stated in paragraph (c), a lawyer may withdraw
14 from representing a client if:

15 (1) withdrawal can be accomplished without material adverse effect on
16 the interests of the client;

16 . . .

17 (6) The representation will result in an unreasonable financial burden on
18 the lawyer or has been rendered unreasonably difficult by the client;
19 or

19 (7) Other good cause for withdrawal exists.

20 In the case, Debtors have failed substantially to fulfill various obligations to Movant as
21 specified in the agreement between those parties. Specifically, Debtors have refused to communicate
22 timely and effectively with Movant. Further, Movant and the Debtors have come to an impasse
23 regarding certain aspects of Movant's representation that Movant believes cannot be overcome.
24 Movant believes that because of the difference of opinion as how best to proceed in this case, he can
25 no longer effectively represent the Debtors. As a result an adversarial relationship has developed,
26 and Movant has sought this withdrawal.

27 Movant believes that his withdrawal as counsel for Debtors will not adversely affect Debtors.
28

1 Movant has provided reasonable written warning to Debtors of his intention to withdraw because
2 of their failure to communicate and the disagreements between the parties. As a result, there is good
3 cause for Movant's withdrawal as counsel of record.

4 WHEREFORE, it is respectfully requested that this Court enter its order permitting the
5 immediate withdrawal of The Law Offices of Alan R. Smith, as attorneys of record for the Debtors,
6 and that all further pleadings and correspondence with regard to this matter be forwarded to Debtors
7 at their last known address as follows:

8 AT Emerald, LLC
9 c/o Anthony & Wendi Thomas
7725 Peavine Peak Court
10 Reno, NV 89523

11 Anthony & Wendi Thomas
7725 Peavine Peak Court
12 Reno, NV 89523

13 **DATED** this 18th day of August, 2014.

14 LAW OFFICES OF ALAN R. SMITH

15
16 */s/ Alan R. Smith*
17 By _____
18 ALAN R. SMITH, ESQ.
19 Attorney for Debtor
20
21
22
23
24
25
26
27
28

CERTIFICATE OF MAILING

Pursuant to FRCP 5(b), I hereby certify that I am an employee of the Law Offices of Alan R. Smith, and that on this day I deposited for mailing at Reno, Nevada, and sent via email, a true and correct copy of the attached document addressed as follows:

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c/o Anthony & Wendi Thomas
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Reno, NV 89523
atemerald2@gmail.com
wendithomas6@gmail.com

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Holland & Hart, LLP
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
jgwent@hollandhart.com

/s/ Debra L. Goss

Dated: August 18, 2014

By: _____

Debra L. Goss, Employee